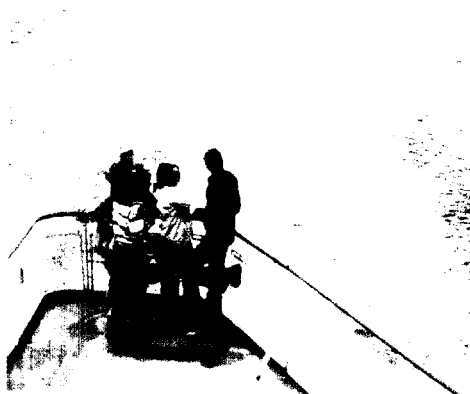




Maritime Industry  
Small Entity  
Compliance Guide



# **Sensitive Security Information**



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**49 CFR Part 1520**

United States Coast Guard

## The Basics

On November 25, 2002, the President signed into law the Maritime Transportation Security Act (MTSA). These regulations, found at 33 CFR Subchapter H—Maritime Security, established a new framework for maritime security. Primary elements of this framework are National, Area, Facility, and Vessel security plans.

The Transportation Security Administration (TSA), an organizational element of the Department of Homeland Security (DHS), has issued regulations under 49 CFR Part 1520 that designates information obtained or developed in carrying out security requirements that would be detrimental to the security of transportation as Sensitive Security Information (SSI).

The following specific types of information and records have been designated by TSA as SSI:

- Vessel, Facility, Area and National Maritime Security plans required under the Maritime Transportation Security Act.
- Maritime Security Directives issued by the U.S. Coast Guard under 33 CFR Section 101.405
- Certain Navigation & Vessel Inspection Circulars (NVICs) issued by the U.S. Coast Guard related to maritime security.
- TSA plans to expand this list of maritime SSI in a new rulemaking.

**You should refer to 49 CFR Part 1520 and NVIC 9-02 (Ch 1) directly for details.**

### *Who has the “need to know” according to SSI regulations?*

In general. A person has a “need to know” SSI when the person is conducting maritime transportation security activities approved, accepted, funded, recommended, or directed by the DHS and:

- Requires access to specific SSI;
- Is in training;
- Requires information necessary to supervise or otherwise manage individuals;
- Needs the information to provide technical or legal advice to a covered person regarding MTSA requirements, federal law, or in connection with any judicial or administrative proceeding regarding those requirements; or
- Is a contractor, acting in the performance of a contract or with a grant from the DHS, if the information is necessary to performance.



### *What are the provisions for proper handling of SSI:*

Individuals in custody of SSI should take reasonable steps to safeguard the information as follows:

- If the SSI is in their possession, prevent unauthorized disclosure.
- When an individual is not in physical possession of the SSI, it must be stored in a secure container such as a locked desk or file cabinet or in a locked room secure from unauthorized access.
- A covered person must destroy SSI completely to preclude recognition or reconstruction of the information when the SSI is no longer needed.
- If a covered person becomes aware that SSI may have been compromised by release to an unauthorized person, he/she must promptly inform the Coast Guard.
- Originators must properly mark SSI with a distribution warning statement.

**See NVIC 9-02 (Ch 1).**

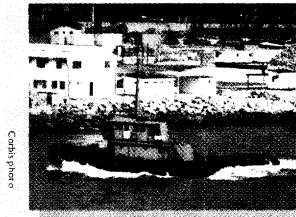
### *Can other types of information be designated as Security Sensitive Information (SSI)?*

In accordance with 49 U.S.C. 114 (s), SSI is information obtained or developed in the conduct of transportation security activities, including research and development, the disclosure of which TSA has determined would:

- Constitute an unwarranted invasion of privacy including, but not limited to information contained in any personnel, medical, or similar file.
- Reveal trade secrets or privileged or confidential information obtained from any person.

### **How to Find Sensitive Security Information Guidance**

**N**avigation & Vessel Inspection Circular NVIC 9-02 (Ch 1) provides guidance on responsibilities associated with handling SSI and can be found at the following website, [http://www.uscg.mil/hq/g-m/p/pdf/nvic\\_9-02change1.pdf](http://www.uscg.mil/hq/g-m/p/pdf/nvic_9-02change1.pdf), in Chapter 3500, pages 4-15. You may also refer to 49 CFR Part 1520. If, after reviewing the NVIC guidance and other listed references,



you are still uncertain as to how to handle SSI or you have other questions relative to the handling or release of information,

contact your local Coast Guard Captain of the Port or the Maritime Security Help Desk.

## Frequently Asked Questions

### *Am I authorized to handle SSI?*

Yes, you are authorized to handle SSI materials if you are a “covered person” with a “need to know”. Included under the definition of a “covered person” for purposes of the Sensitive Security Information (SSI) regulations, are the following:

- Each owner, charterer, or operator of a vessel or maritime facility that is required to have a security plan under the MTSA.
- Each person participating in a National or Area Maritime Security Committee established in accordance with the MTSA.
- Each maritime industry trade association that represents covered persons and that has entered into a non-disclosure agreement with the U.S. Coast Guard.
- Each person employed by, contracted to, or acting for a covered person, including a grantee of DHS, or a person formerly in such position.
- Each person for which a vulnerability assessment has been directed, created, held, funded, or approved by the DHS.



Additional information on covered persons can be found in 49 CFR Part 1520. The CFR is available through your local library or on the web at [www.gpo.gov/ecfr](http://www.gpo.gov/ecfr).



**On the front cover:** Photo courtesy of the Washington State Ferries.